IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITON NO. 251 OF 2005

The State of Maharashtra ..Petitioner.

V/s.

The Asstt. Commissioner of Income Tax & Ors. ..Respondents.

Mr.N.P.Deshpande, A.G.P. for the petitioner.
Mr.R.V.Desai, senior counsel with Mrs.S.V.Bharucha for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 2ND FEBRUARY, 2005.

P.C. :-

1. Heard the learned A.G.P. for the petitioner and learned counsel for the respondents. By this petition, the petitioner is seeking stay of the order of deposit directed to be made by the Income Tax Appellate Tribunal, Pune by its order dated 9/11/2004. The Tribunal by the above order has clearly recorded that Mr.D.V. Khilare, the General Manager, Government Milk Scheme, Pune, petitioner No.4 had categorically agreed before the Tribunal to the condition to deposit Rs.50 lakhs by two instalments, on the basis of which the recovery of the balance outstanding amount was stayed till the disposal of the appeal before the Tribunal. The tax demand by the respondents is almost Rs.1.35 crores. In view of the fact that the petitioner had agreed to deposit Rs.50 lakhs by two instalments, we do not find anything erroneous and perverse in the order of the Tribunal. Hence petition stands dismissed.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)